CLEAN WATER ACT REAUTHORIZATION: THE STATES' PERSPECTIVE

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INTRODUCTION

Water, our most precious and vital natural resource, has long been the subject of national debate. Congressional interest in the protection of water dates back to the early 1940s. In those days, clean water legislation was primarily a statement of general goals and direction, as opposed to the contemporary legislative and prescriptive mandates we now encounter.

THE STATUTE

The mix of interests and politics was never more prevalent than during the 1970s. Earth Day brought a new national consciousness, the U.S. Environmental Protection Agency (USEPA), and both the Clean Air Act and the Clean Water Act (officially known as the Water Pollution Control Act Amendments of 1972, Public Law 92-500) passed during this time.

The 1972 water statute imposed a patchwork of technology based controls, water quality standards, planning requirements, compliance deadlines and penalties, as well as created a municipal grants program for the construction of wastewater treatment facilities. It was anticipated that within 10 years, all sewerage facilities would have secondary treatment levels installed. The Act also put into place a long range goal for zero discharge of pollution into our nation's waterways resulting in fishable-/swimmable waters throughout the country.

As the Federal dollars began to flow to State and Local governments, what had once been a structure of 50 individual State programs emerged into a national clean water collage. The Clean Water Act became a model for environmental legislation, and by the mid 1970's, States began reporting to Congress on the status of their programs.

THE PROGRESS

Since its passage in 1972, Clean Water Act programs have yielded unprecedented results. In an effort to document the program's success, the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) developed, in 1984, a national status report on the health of our nation's waterways. ASIWPCA (representing the 50 State regulatory agencies, Interstate Commissions, and Trust Territories) designed a concise, standardized reporting format for completion by its membership. Using the ASIWPCA format, the 50 States created the first comprehensive nationwide water quality status report utilizing:

Long-term trend monitoring records,
Short-term intensive surveys, and
Professional judgments and direct observations.

ASIWPCA documented that, despite the tremendous industrial and growth pressures of the past decade, most waters improved or maintained. Other waters showed dramatic improvements, while regrettably, some waters were degraded. As more traditional problems were addressed, new problems -- such as nonpoint sources, toxic pollutants and groundwater contamination -- were appearing on the horizon.

Now, with two decades of clean water program experience, the States are once again developing their clean water report. ASIWPCA's Status and Trends Report to Congress and the American people will be published in May of 1993. This report will document the status of our nation's waterways between 1972 - 1992.

Early data collected by ASIWPCA indicates that great progress has been made in national water clean-up during the past two decades due in large measure to the combined efforts of State, Federal, and Local agencies who have carried out the Congressional mandates since 1972. With the support of public and private constituencies, reinforced by a strong citizen commitment, the clean water program has resulted in:

- Enhanced water quality in most streams and lakes,
- More waters that support designated uses,
- Expanded recreational uses,
- Increased populations being served by adequate wastewater treatment,
- More direct and indirect dischargers in compliance with water treatment requirements, and
- Greater public awareness and interest in sustaining past gains and making future progress.

Table 1. Comparison of 1972 and 1990 Inventories for Rivers and lakes

River Miles (Thousands)	1972	1990	% Change
Support Designated Uses	272	407	49% +
Partially Support Uses/Threatened	46	78	69% +
Not Supporting	30	62	100% +
Unknown	410	110	
Lake Acres (Millions)	**1982**	**1990**	**% Change**
Support Designated Uses	13.8	8.2	40% -
Partially Support Uses/Threatened	1.7	6.4	276% +
Not Supporting	0.4	3.9	875% +
Unknown	0.4	--	

Comparing 1972 data with the most recent 305(b) National Inventory report, the facts indicate remarkable improvements during an era in which industrial development and population grew.

Causes

The national understanding of the water pollution problems in 1972 focused on the need to control the massive discharges from major point sources. Over the years, our knowledge of the pollutants and sources causing problems has vastly expanded. As environmental programs moved beyond the traditional point source approaches to address the cross-cutting themes of risk assessment, watershed protection, and pollution prevention, environmental program managers will need to focus their creative energies on: (1) the protection of the ecosystem intrinsic to the Clean Water Act (e.g. for nonpoint sources, watershed protection, wetlands management and surface and groundwater management), and (2) problems to be prevented rather than resolved by end-of-pipe solutions.

Rivers. The Clean Water Act has been effective in controlling municipal and industrial point sources. After 20 years, we find that: (1) Industry is responsible for 9.1% of miles impaired, and (2) Nonpoint sources are the major cause of impairment. The major sources are: agriculture (60.5%), municipalities (28.7%), and hydrologic modifications or resource extraction (28.6%) in the indicated percentages of nonpoint source impaired waters. (Note that waters may have more than one major source of pollution.)

In the following percentage of river miles, these pollutants were identified as a significant cause of the impairment. (Again, waters may have more than one significant cause.)

. Siltation	36%
. Nutrients	28%
. Organics	26%
. Pathogens	19%
. Metals	15%
. Salinity	12%
. Hydromodification	11%
. Pesticides	11%
. Suspended Solids	11%

Lakes. After 20 years, we find that: (1) Industry is responsible for 9.1% of acres impaired (the same percentage as for rivers); and (2) Nonpoint sources are the major cause of impairment. The major nonpoint sources are: Agriculture in 57% of miles impaired, Municipal in 48.7%, and Hydrologic midification and resource extraction in 48.7% of miles impaired. The pollutant causing these problems are, again, primarily conventional. In the following percentage of lake acres, these pollutants were identified as significantly causing the impairment:

. Metals	48%
. Nutrients	32%
. Organics	19%
. Suspended Solids	13%
. Noxious Plants	13%
. Siltation	13%

THE FUTURE

While the results of 20 years of focussed attention on clean water has yielded impressive results, major challenges remain. For example, some communities are still in need of adequate wastewater treatment. To ensure plant efficiency, proper operation, maintenance and replacement of existing facilities must be assured. In addition, the effects of toxic pollutants must be better managed, and nonpoint source pollution, estimated to be upwards of 50% of our nation's remaining water pollution problem, must also be reduced. Expansion of the States' groundwater protection programs should also be facilitated.

Infrastructure Funding

The costs of clean water are enormous. The American people are demanding construction of wastewater treatment facilities for clean pure water while, at the same time, calling for a reduction in the cost of government. The State Revolving Loan Fund (SRF), created in 1987 to

CAUSES

Water pollution is a broad term, often conjuring up images of spills, raw sewage, chemicals spewing from factory pipes, and medical wastes washing down storm sewers and onto public beaches. But there are other problems which can be more widespread and less obvious.

Nutrients -- Nitrates found in fertilizers and phosphates found in detergents overstimulate growth of aquatic plants, depleting dissolved oxygen and cutting off light. This seriously affects the respiration of fish and aquatic invertebrates, decreases animal and plant diversity, and inhibits recreational use. Lakes and estuaries are particularly vulnerable.

Sediments -- When it rains, silt and other suspended solids wash off plowed fields, construction and logging sites, urban areas, and strip-mined land -- carrying with them attached pollutants. When they enter waters, fish and plant productivity is reduced.

Bacteria and Viruses -- Certain waterborne bacteria, viruses, and protozoans can cause human illnesses such as typhoid, dysentery and skin diseases. These organisms enter waters via a number of routes, including sewers, stormwater drains, septic systems, runoff from livestock pens, and sewage discharge from boats.

Organic Enrichment -- Organic material enters the water in many forms. Sewage, leaves and grass clippings, or runoff from urban streets, livestock feedlots and pastures. As natural forces break down this organic material in water, dissolved oxygen is depleted. When the level drops too far, many types of fish and bottom dwelling animals cannot survive.

Toxic Chemicals/Heavy Metals -- Metals (such as mercury, lead, and cadmium) and toxic organic chemicals (such as PCBs and dioxin) may originate naturally and come from industries, city runoff, mining, landfills, etc. They can cause aquatic disease or reproductive failure and pose human health risks.

Pesticides/Herbicides -- Rainfall and irrigation can wash pesticides and herbicides used on farm land and residences into ground and surface water. Contaminants can be persistent and may accumulate in fish, etc. to levels that pose a risk to human health and the environment.

Habitat Modification -- Loss of habitat occurs when waters are modified by farming, deforestation, channelization, dredging, wetland destruction, etc. Vegetation can be lost, bottom dwelling organisms and spawning beds can be smothered or scoured, and water temperatures can increase.

Other -- There are other pollutants, such as salts from irrigation runoff and salt water intrusion into ground and surface waters. Abandoned mines and air deposition (acid rain) can alter the toxicity of chemicals in water and render lakes and streams unfit for aquatic life.

fund the construction of wastewater treatment facilities, is fully operational in the 50 States.

Current SRF eligible needs resulting from the 1987 Act (including nonpoint source, stormwater, combined sewer overflows, sludge, and toxics control) go far beyond the previously existing wastewater infrastructure program upon which the $18 billion commitment in the 1987 Act to the fund was based. The current capitalization level is grossly inadequate to meet the new mandates included in the statute. Of the $138 billion in ASIWPCA documented needs, States have identified up to $91 billion that related to emerging priorities. As the 1987 Act's requirements force plant upgrading, the total need is likely to exceed $200 billion.

The SRF has proven to be an efficient and effective use of scarce Federal dollars. It has provided a mechanism to fund municipal infrastructure needs *in perpetuity.* According to the position of the ASIWPCA and the nation's governors, a minimum of $5 billion annually should be authorized for FY 1994-2000 in the SRF to meet clean water needs. This amount would be in addition to authorizations for nonpoint sources, Section 106 State management, etc.

Grants

ASIWPCA opposes the re-establishment of a Title II type construction grants program. Re-emergence of the grant program has distracted from the immediate need to sufficiently capitalize the SRF and equitably address needs.

The integrity of the SRF has been among the States' highest priorities. Under SRF, projects are being built 50% faster and cheaper than with the traditional grants. Historically, local governments have delayed compliance to seek grants rather than proceed with construction, e.g., using the SRF. Grants send a poor message to those trying to meet the law -- reinforcing the appearance that if a community puts off addressing its water quality problems, the Federal government will come to the rescue. If Congress is intent on re-energizing the grants program, it should be incorporated into existing SRF.

The needs of small and, in some instances, hardship communities should be addressed under a "principal subsidy" mode in the existing SRF. This would allow States, with a supplementary authorization, to blend subsidies with loans to achieve an affordability test.

Water Quality Standards

Water quality standards (i.e., the level of clean desired in a particular water body) have been a keystone of State implementation of water quality laws for almost 25 years. Given the diversity of natural environments throughout the nation, a balance between State flexibility and the need for a level of national consistency has been a challenge.

The primary responsibility for establishing water quality standards must remain with State and Interstate Agencies, where local conditions can be considered. State experi-

ence illustrates that standard setting and implementation is a difficult and intensive process. Implementation suffers from outdated Federal criteria and the lack of clear national policy in key areas on applying water quality criteria. Confusion and unnecessary challenges to State standards have resulted. This is particularly true during development of individual control strategies and while promoting pollution prevention. In moving forward with national policy refinement, it is important to recognize that: (1) Not all water bodies can or should be "fishable" or designated for public water supply use (e.g., Houston Ship Channel), and (2) Subsistence fishing will not always be feasible because of naturally occurring or in place pollution.

Nonpoint Sources (NPS)

There is no question that the majority of existing water quality problems stem from nonpoint pollution. Because NPS control must take into account local conditions (e.g., land based activities, typography, hydrology, climate, etc.,), States must continue to have a lead role in program development and management.

Changes in the Act are needed to achieve more significant environmental results. In order to enable States to build long term capabilities, the States would like to move away from demonstration projects included in the 1987 Clean Water Act Amendments toward institutionalizing programs. NPS control is a long term undertaking comparable to point source control, but with a much higher level of public intergovernmental cooperation necessary. Section 319 management plans should provide the framework of priorities that a myriad of agencies will carry out at all government levels. Progressively, the program should incorporate needed mandatory assurances, technology transfer, technical assistance, education programs, pollution prevention, and source reduction.

State recommendations on NPS are premised on the principles that: (1) Nonpoint source research and development needs much more attention, (e.g. development of control technologies, establishment of standards or criteria, and better analytical decision making). (2) Reduction of NPS pollution requires source control at the watershed level. A stronger framework should be established to implement NPS programs requiring:

* USEPA to increase public awareness, develop good science, create regulatory/economic incentives, and issue guidance for evaluating State programs.
* States, in a phased process to:
  - Identify priority watersheds, set goals, establish implementation mechanisms and develop a NPS monitoring program within 30 months.
  - Evaluate progress towards meeting water quality standards within 48 months after program approval.
  - Update the program as needed to address water quality violations within 12 months after evaluation (and every 5 years thereafter).
* To assist States in meeting their clean water program goals, all related Federal government activities and programs should be consistent with State plans.

3) Nonpoint source program funding under Section 319 should enable the States to focus, as appropriate, on (a) technology development, (b) technology transfer, (c) monitoring, (d) assessment, (e) demonstrations, (f) technical assistance, and, (g) institutionalizing non-traditional water quality management programs. This must include a method for funding and implementation. Adequate 319 funds must be available, with a more efficient delivery system to States.

* Although current SRF eligibilities should be retained to allow coverage of NPS projects, the Section 319 program needs to continue to cover implementation costs not reasonably addressed through the SRF.
* The long term State goal is to move the NPS program to a point where it can be successfully integrated into Section 106 and SRF structures.
* A set formula should be used to distribute funding to States. National setasides should be eliminated. They inordinately increase administrative demands at the expense of environmental benefit and often undermine long term State and Local support.
* State use of grants should be based on submittal and approval of a Section 319 nonpoint source implementation plan (NIP).
* States should be allowed to use up to 20% or $200,000, whichever is greater, to cover costs of implementation.

Funding Level and Matching Requirements

To adequately fund the nonpoint source program and assure long term environmental results, the States have identified the following level of Section 319 needs:

* For FY 1994-96: $500 million annually
* For FY 1997-98: $1 billion annually

The existing requirement of a 40% match should be retained.

Wetlands

Wetlands are an extraordinarily valuable resource, critical to the hydrologic system. Despite relative scarcity, they continue to be destroyed at an alarming rate and protection programs continue to struggle. State and Fed eral programs, while slowing the rate of loss, have fallen short of providing needed protection, even though feasible alternatives exist. Those efforts need to be reinforced and enhanced.

States and localities have been calling for an explicit and well thought out partnership role in the Clean Water Act to promote assumption of greater responsibility and more active participation in wetland protection and management. Many of the changes needed in the present Section 404 could be achieved administratively under existing law.

However, a separate new section of the Act is needed to clearly establish State and Local roles as well as define protection policies and goals, that include the Federal family of agencies. State and Local governments need to integrate wetland protection into pollution control and watershed management. The Association endorses the concepts adopted by the National Governors' Association in February 1992.

1. National wetlands protection policy should vigorously abate the loss of wetlands and achieve no net loss by preventing avoidable or significant impacts, while restoring when feasible water quantity and quality. If impacts are unavoidable, wetland losses should be minimized and fully mitigated. Due to the severity or significance of some projects, mitigation may be should be denied.
2. Federal statutes/programs should be amended to strengthen wetland protection and avoid duplication. Lead responsibility should be placed in one Federal agency, with other agencies having implementation duties. Federal permitting should be streamlined under one agency -- mandated to protect wetlands. Acquisition programs should be expanded and improved. The Federal government should provide guidance, research, public outreach and other technical and education information. States should have primary responsibility for implementing effective protection strategies, with broad flexibility based on legal, environmental, social and economic considerations. States should develop comprehensive inventories, expand public outreach, and train local officials. Any Federal legislation dealing with wetlands should:
   * Address inconsistencies and shortcomings of existing protection programs, (e.g. in USEPA, Army Corps of Engineers, Department of the Interior, and Department of Agriculture).
   * Promote State delegation and provide adequate financial/technical support to the States.
   * Ensure that Federal funds are not provided for activities which result in avoidable wetlands conversion.
3. In the event that water quality standards for wetlands are developed and incorporated into State water quality management programs, these standards should be designed to recognize unique features intrinsic in wetland resources. USEPA should allow use of narrative and site specific approaches in lieu of numeric standards. Levels of protection should be based upon the importance and significance of wetlands to States in which they are located.

Groundwater

Incorporation of groundwater protection into Clean Water Act goals will eliminate the need for prescriptive groundwater legislation and allow accelerated integration of programs at the State level. Because groundwater is not included with the needed degree of specificity in the Act, enforcement of State laws is currently hampered by Federal agencies that may claim sovereign immunity. States at present are reluctant to undertake multi-media resource management, absent adequate legislative authority and available funding.

According to the States, groundwater protection should be an integral part of water quality protection programs. Components may include regulatory authorities for point and nonpoint sources, monitoring, data management, and standards and remediation programs. They should be based on protection of groundwater as a resource with the national goal to protect human health and the environment by preventing groundwater pollution and remediating wherever necessary and appropriate. Specifically, ASIWPCA advocates that:

1. Existing authorities be coordinated to ensure that groundwater is not degraded or harmful to human health and the environment.
2. All Federal agencies, facilities, and contractors comply with State groundwater laws.
3. Water quality protection programs address both surface and groundwater resources.

Any inclusion of groundwater in the national legislation should formalize the following processes:

* States and USEPA should jointly define State program adequacy.
* States should develop comprehensive groundwater strategies with determination of adequacy being the State's responsibility.
* Congress, through USEPA, should provide funding to States for program development and implementation.
* The Federal government should review their remediation programs and increase funds for comprehensive groundwater pollution prevention where appropriate.
* Congress should appropriate CERCLA (superfund) monies for State groundwater protection upon endorsement of State comprehensive programs.

At a minimum, the Federal government should provide incentives for States to develop comprehensive programs by:

* Allowing greater flexibility to States in implementing regulations.
* Developing a comprehensive strategy for all Federal groundwater programs.
* Streamlining USEPA oversight.
* Requiring Federal agencies to utilize State groundwater protection priorities to help target their programs and projects to areas of highest concern.

Stormwater

ASIWPCA supports the Act's stormwater control objectives. Consistent with current statute, the most significant sources should be addressed first. However, the extensive

time taken to finalize the USEPA rules makes the 1987 Act's deadlines for communities unachievable. The Act's strategy of phased implementation is threatened. The Act should clarify that the first round of permitting should emphasize specific control levels, followed by water quality assessment to identify needed additional actions based on standards. This will assure that permitting proceeds in a logical and expeditious manner.

Stormwater requirements should not overwhelm nor undermine existing State permit programs under the National Pollutant Discharge Elimination System (NPDES). This is important because the number of point sources will increase over ten times above pre-1987 Act levels. The resource demand far exceeds available funding. Unless action is taken to focus the program on priority programs, major cuts in other programs can be anticipated (including toxics controls). Specifically, the States advocate the following reforms:

The statutory deadlines for permit issuance [Section 402(p)] should be revised to establish a realistic schedule that accommodates phased implementation of regulatory stormwater programs: (1) For municipal dischargers, controls that reduce discharges to the *maximum extent practicable* should be required, consistent with the mandate that water quality standards be met. (2) For industrial dischargers, the first round permits should require implementation of Best Management Practices (BMPs).

Permits should not be required for municipalities less than 100,000 population, unless a particular stormwater discharge is a significant contributor to pollution or the town is served by a separate stormwater system with a total population of 100,000 or more. Nor, should they be required for industrial indirect sources to discharge to a permitted municipal separate storm sewer, unless the discharge is in violation of local requirements and an individual stormwater permit is needed.

Following implementation of these controls, water quality assessments should be conducted to determine if additional controls are required in subsequent permits to meet water quality standards.

Research and Development (R&D)

State and Local programs depend, to a large degree, on Federal research for development of control technology, establishment of standards or criteria, and assistance with technical decisions. As with standards, effluent guidelines and nonpoint sources, research has received inadequate attention. R&D activities should be enhanced with adequate funding provided under Section 105. Funds should be targeted to research needed to operate and manage water quality programs. The Clean Water Act should be amended to clarify and address the following:

- Nonpoint source best management practices,
- Improved water quality criteria appropriate to NPS pollution,
- Improved models and information for implementing water quality criteria for NPS pollutants,
- Appropriate biological information useful for NPS impact assessment, including bio-criteria,
- Cause-effect relationships between discharges and surface and groundwater quality,
- Relationships between air, water and land pollution, as well as associated health and aquatic life effects,
- Monitoring techniques to assess over time the success of management measures in reducing pollution loads and improving water quality,
- Simple and less expensive waste treatment alternatives for smaller communities,
- Treatment technologies for new industrial processes, and
- Removal of toxic pollutants.

Watersheds

Managing water resources to protect indigenous species and ecosystem integrity goes beyond issuing individual wastewater discharge permits and managing categorical or compartmentalized programs -- to addressing a myriad of pollution problems. There are currently 15 or more clean water funding sources and greater number of independent programs all serving different masters. These revenue and policy sources are uncoordinated, with inconsistent priorities and directions that do not adequately consider local needs.

Each Clean Water Act reauthorization layers on new requirements which in implementation tends to be unrelated. In recent years, for example, to target federal actions, USEPA has relied on separate priority lists under 304(l), 305(b) and 303 as well as separate plans for standards, monitoring, nonpoint sources, basins, estuaries and individual control strategies. The independent nature of the development and implementation of national policies does not allow States or USEPA to focus on managing the resource as a whole. Activities are not tailored or coordinated to meet these needs. "Bean counting" has been our primary measure of success, not whether environmental clean up or protection has been achieved.

The issue is not whether the Clean Water Act requirements will be met, but what rather, framework and what timeframe can be developed to enable authorities to operate effectively and efficiently.

A more systematic approach to protecting water quality, coordinating funding sources and program authorities toward common objectives is being promoted by the States, EPA, and several national organizations. Because resources are limited, actions should be based on the most serious water quality problems in the immediate, mid and long terms, the best "return on the investment" for water quality, and the appropriate mix between pollution prevention and mitigation as well as point and nonpoint source controls.

The rudiments of the solution lie in the basin planning requirements in Section 303 of the Clean Water Act.

These basin plans already exist, but have not been fully or effectively utilized. The Clean Water Act reauthorization should take a strengthened approach to water quality management. The Act should require the development and regular update of drainage basin management plans. States and USEPA should be required to utilize plan recommendations and priorities as the basis for:

* Complementary Clean Water Act mandates,
* Developing annual program plan commitments,
* Funding commitments and allocations,
* Defining appropriate accountability, and
* Conducting needs assessments.

This framework could be easily established by requiring that the management actions authorized under the Clean Water Act be conducted in conformance with both the substance and timing of basin planning efforts in a comprehensive and integrated manner. It is important to take a simple approach or the system will create rather than solve problems. Specifically, the Act should require the:

Update of existing and completion of any outstanding Section 303 drainage basin plans, with periodic future revisions at five year intervals.

The 303(e) plans should:

* Incorporate the results of plans required under Section 304(l), 319, 320, etc.
* Identify priority problems, sources, and watersheds.
* Prioritize and coordinate Clean Water Act activities (e.g. monitoring, standards reviews, permitting, enforcement, 319, lake management, and stormwater).

All Federal Clean Water Act funding intended for States should be directly allocated to them for distribution in accordance with the priorities in 303(e) plans.

Management actions should be consistent with the revised 303(e) plans (e.g. by Federal agencies).

The public should be consulted and involved in the development of plan revisions.

The results of these efforts should be reported to Congress.

For example, if a revised basin plan has identified the priority problems and sources to be:
1) loss of habitat due to sedimentation and eutrophication from nonpoint sources and 2) fish consumption advisories from historic sedimentation contamination -- remedies should be developed and implemented to respond to this finding. Program activities (e.g. monitoring) should be coordinated in a team approach to address them. Resources for that basin should be targeted towards nonpoint abatement and sediment remediation. Permits would be reissued on a logical cycle, but as a secondary priority due to the limited water quality improvements which could be secured with that investment. In this manner, resources and programs could be targeted to achieve a defined environmental result. Monitoring activities should reflect these arrangements.

In another basin, there may be a series of point source discharges which individually comply with permit requirements but have overlapping detrimental impacts on the resource. Such a problem cannot be corrected or even identified unless there is a basin approach to monitoring and permitting. A more proactive role for watershed plans would allow a rational basis for prioritizing permit issuance to focus most on those key point sources. Where critical problems cut across basins, issues can be readily identified to receive statewide attention.

Clean Water Act Reauthorization

The State water pollution control administrator's agenda for Clean Water Act reauthorization, developed under the auspices of the Association, indicates that the Clean Water Program of the future needs to be:

* Better financed
* Based on better science
* Focused on pollution prevention and non-traditional abatement and control approaches
* Multi-media in scope
* Flexible enough to allow for watershed and integrated environmental approaches to accommodate the wide diversity of water problems/solutions
* More cognizant of the interrelationships between Local, State and Federal governments.

The Clean Water program of the future will depend upon the resolution of a number of political and programmatic issues, for example:

* The priority of domestic programs in the Federal budget. The Federal fiscal policy of the 1980's was very rough on the States. But, times could change as the balance between military and domestic spending is revisited. The outcome of Congressional budget deliberations will provide the back drop for all that follows, particularly in significantly funded programs such as Clean Water.
* The role of regional vs. nationwide priorities. The Federal focus and interest is shifting, (e.g. to coastal issues). If this continues, the character of the national program will be fundamentally different. States in the country's interior, for example, could receive lesser priority -- with their Federal tax dollars used elsewhere.
* The future role of Federal, State and Local governments in financing infrastructure and administration of the national program must be addressed. The level and form of that support is at issue, including:
  .. The need for funding to keep pace with the increase in Federal mandates and the upgrading or rehabilitation of the Nations' infrastructure, which could include drinking water.
  .. The Federal role in supporting Federal mandates.
  .. Reliance on the State Revolving Loan Fund vs. grant programs.
  .. The State vs. the Congressional/USEPA role in determining funding beneficiaries.
  .. Integration of the plethora of funding sources.

.. The need for State flexibility to assure effective use of limited funds.

* The priority of nonpoint source control. While nonpoint source control must become a greater priority, it must be accomplished without saddling States with twice the work and no more funding. Nonpoint sources must be addressed differently than municipal and industrial point sources. State and Local governments need flexibility to take logical and technically sound approaches.
* State and Local governments need latitude in designing and implementing programs. Greater flexibility is needed to actually achieve the results intended by Congress and the public. However, this runs counter to the "command and control" philosophy underlying the Act.
* At the same time, in some areas a level of consistency is needed nation-wide. Some current and frequently controversial issues have their genesis in a simple problem -- lack of clear USEPA/national policies. The result is "misunderstanding" of fundamental concepts, a lack of equity among dischargers and a significant backlog in permit reissuance.
* Governments must make better use of science. This, of course, requires a greater priority nationally and a commitment to accepting the results in the standards setting and pollution control arenas. Outmoded science, and issues of costs vs. benefits and risk assessment must be squarely addressed.
* Coordination of standards setting, nonpoint source control, point source permitting and enforcement programs is essential. At the State and Local levels, these programs cannot be dealt with separately. The national program must promote integration of a multitude of policies and activities.
* Building Local capability to manage point and nonpoint sources is a priority. Municipalities will become, in many instances, the front line of water pollution control. Local governments must have access to the tools necessary to manage quality programs. Funds too will need to be made available to the Locals through the State funding process.

Several themes emerge. Key among them is the need to focus on the original intent of the Clean Water Act, (e.g., technically valid standards leading to basin-wide solutions). To maintain and move forward with an effective Clean Water Act, certain principles must be advanced. Specifically, environmental managers must:

* Maintain high standards of program quality.
* Help assure economic development consistent with clean water goals.
* Identify options to enhance the national funding commitment.
* Assure Federal program compliance with clean water requirements.
* Realign Federal priorities to focus on the most critical "client" needs.
* Recognize technical assistance, public education and incentives as legitimate environmental approaches.
* Build broad-based alliances to cooperatively solve problems.
* Maintain State, Local, and Federal professional capabilities.

SUMMARY

The American people have invested billions of dollars in protecting and enhancing our nation's precious waters. Many more billions will be needed to assure pure fresh water for the generations to come, and public opinion polls clearly indicate that the American people are determined to keep our water clean.

Reauthorization of the Clean Water Act will provide the backdrop for our national debate on how best to achieve and maintain clean water. It will also provide a forum for the necessary funding discussions. In addition to the issues outlined in this paper, other issues will undoubtedly emerge as the reauthorization process unfolds. ASIWPCA will be involved every step of the way to ensure that the voice of the States is heard loud and clear.